

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 6884

A RESOLUTION finding the existence of an emergency situation and ratifying the award of an emergency public works contract without competitive bidding to maintain and stabilize the project site for the NE 29<sup>th</sup> Place Connection.

WHEREAS, on July 15, 2003, the City terminated the contract for the construction of the NE 29th Place Connection; and

WHEREAS, to protect the public safety and control erosion it was necessary to take immediate steps to maintain and stabilize the construction area, as specifically set forth in the Declaration of Emergency Situation issued by the Deputy City Manager on July 22, 2002; and

WHEREAS, the City Council concurs in the findings contained in said Declaration; now, therefore;

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Pursuant to RCW 39.04.280, the City Council hereby finds the existence of an emergency situation requiring that immediate steps be taken to maintain and stabilize the construction area of the NE 29<sup>th</sup> Place Connection, as more fully described in the Declaration of Emergency Situation dated July 22, 2003, which emergency required award of an emergency public works contract without competitive bidding, and ratifies the award of a contract to Westwater Construction to accomplish such work.

Passed by the City Council this 28<sup>th</sup> day of July, 2003, and signed in authentication of its passage this 28<sup>th</sup> day of July, 2003.

(SEAL)

Connie B. Marshall  
Connie B. Marshall, Mayor

Attest:

Myrna L. Basich  
Myrna L. Basich, City Clerk

## DECLARATION OF EMERGENCY SITUATION

In accordance with RCW 39.04.280, the undersigned has determined that an emergency situation exists requiring the waiver of competitive bidding requirements and the award of a contract to address conditions with regard to the NE 29<sup>th</sup> Place Connection Project. The reasons for the emergency situation are:

On July 15, 2003, the City terminated the contract for construction of the NE 29<sup>th</sup> Place Connection for convenience. To protect the public safety and control erosion it is necessary to take immediate steps to maintain and stabilize the construction area, specifically:

- Establish water runoff control and other site stabilization in accordance with City requirements to prevent erosion along NE 24<sup>th</sup> Street, the Regional Detention Facility, the intersection of NE 24<sup>th</sup> Street and 140<sup>th</sup> Avenue NE, and other locations along existing NE 29<sup>th</sup> Place.
- Pave back the removed asphalt shoulder and a portion of the main travel roadway along the north shoulder of NE 24<sup>th</sup> Street to prevent hazards to pedestrians and motorists.
- Reestablish driveways and entrances to several businesses affected by work done to date so that they can maintain normal operations.
- Maintain traffic control detours and other safety devices placed to date to maintain and protect public safety at various locations throughout the project area.
- Take such additional actions as the City may determine to be necessary to assure public safety after further review of the project and site conditions.

These conditions present a real, immediate threat to the proper performance of essential functions and will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken. The Transportation Department is therefore authorized to award a contract with regard to the above described work without competitive bidding. The matter will be presented to the City Council within two weeks of award for consideration of a finding of the existence of an emergency.

Executed this 22<sup>d</sup> day of July, 2003.

CITY OF BELLEVUE

  
Ed Oberg, Deputy City Manager

Approved as to form:

  
Assistant City Attorney